

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Robert Louis Garrett, Jr.,

Plaintiff

v.

NP Amy Enloe; Nurse Lindsey Harris; Nurse
Katherine W. Burgess; Unknown SCDC
Medical Administrator at SCDC Headquarters;
LLD B. Jacobs,

Defendants.

C/A. No. 0:19-1953-CMC-PJG

Opinion and Order

Plaintiff Robert Louis Garrett, Jr. (Garrett) brought this *pro se* action alleging violations of his constitutional rights while incarcerated in the South Carolina Department of Corrections (“SCDC”). This matter is before the court on Garrett’s Motion for Preliminary Injunction (ECF No. 7), to which Defendants filed a response (ECF No. 32).

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., the matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings. On January 15, 2020, the Magistrate Judge issued a Report and Recommendation (“Report”) recommending Garrett’s motion for preliminary injunction be denied as moot. ECF No. 34. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. Neither party has filed objections, and the time to do so has expired.¹

¹ Garrett has filed other documents in this case after the Report was filed, but those documents do not have bearing on the pending Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a review of the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error and agrees with the Report’s recommendation to deny Garrett’s motion for preliminary injunction. Accordingly, the court adopts the Report by reference in this Order. Garrett’s motion for preliminary injunction (ECF No. 7) is denied as moot.

This matter is referred back to the Magistrate Judge for pretrial proceedings.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
February 10, 2020